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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,472	06/25/2001	Jeffrey Allen Jones	AUS920010403US1	8673

7590 09/22/2004  
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EXAMINER

MARTIN, NICHOLAS A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

09/888,472

Applicant(s)

JONES ET AL.

Examiner

Nicholas A. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/25/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1/15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_



1. Claims 1-15 are presented for examination.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference number(s) not mentioned in the description: 114, 116, 118 (Figure 1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because reference number "100" is noted as "network" in Figure 1, while in the specification it is stated as "Network data processing system" on page 5, lines 8, 22, 25; page 6, line 2. This creates confusion because reference character "102" is described as "network" in the specification on page 5, line 9.



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4. The drawings are objected to because reference character "200" has been noted as both "server" in Figure 2 and "Data processing system" in the specification on page 6, line 11.

5. The drawings are objected to because reference character "300" has been noted as both "client" in Figure 3 and "Data processing system" in the specification on page 7, line 23, 25; page 8, line 20.

Appropriate corrections are required.

### ***Specification***

6. The disclosure is objected to because of the following informalities:

On page 5, line 20-21; page 6, line 26; it states, "...clients 108-112." This is incorrect because in Figure 1 there are no reference numbers for 109 and 111, only 108, 110 and 112.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.



7. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartsell et al. (hereinafter Hartsell), US 2002/0174227.

8. As per claim 1, Hartsell teaches a method to provide incentives for client machines to contribute resources to a peer-to-peer computer network, comprising the steps of:

receiving requests for information from a plurality of client machines (Page 20, paragraph [0189]);

determining if the client machines are contributing resources to peer-to-peer sharing (Page 15, paragraph [0136]; Page 20, paragraphs [0184], [0190]; Page 22, paragraph [0199]); and

sending the requested information to the client machines, wherein priority is given to requests from clients which are contributing resources to peer-to-peer sharing (Page 15, paragraph [0136]; Page 20, paragraphs [0184], Page 21, paragraph [0194]).

9. As per claim 2, Hartsell teaches the method of claim 1, wherein:

the step of giving priority to client machines which contribute resources to peer-to-peer sharing further comprises giving higher priority in proportion to the level of resources contributed (Page 15, paragraph [0136]; Page 20, paragraph [0184]; Page 22, paragraph [0199]).

10. As per claim 3, Hartsell teaches the method of claim 1, wherein the resources client machines may contribute to peer-to-peer sharing comprise:

disk space (Page 16, paragraph [0145]);

bandwidth (Page 10, paragraph [0095]);



CPU resources (Page 4, paragraph [0045]);  
memory (Page 5, paragraph [0055]); and  
specified number of connected users (Page 10, paragraph [0095]).

11. As per claim 4, Hartsell teaches a method for accessing information in a peer-to-peer computer network, comprising the steps of:

contributing computer resources to peer-to-peer sharing technology (Page 4, paragraph [0045]; Page 15, paragraph [0136]);

requesting information from a network server, wherein the request is given priority in proportion to the level of resources contributed to peer-to-peer sharing (Page 27, paragraph [0236]; Page 15, paragraph [0136]); and

receiving the requested information (Page 26, paragraph [0234]).

12. Claims 5, 8, 10, 13 and 15 do not teach or define any new limitations above claim 3 and therefore are rejected for similar reasons.

13. As per claim 6, Hartsell teaches a computer program product in a computer readable medium for use in a data processing system, to provide incentives for client machines to contribute resources to a peer-to-peer computer network, the computer program product comprising:

instructions for receiving requests for information from a plurality of client machines (Page 29, paragraph [0252]);

instructions for determining if the client machines are contributing resources to peer-to-peer sharing (Page 29, paragraphs [0248], [0249]); and



instructions for sending the requested information to the client machines, wherein priority is given to requests from clients which are contributing resources to peer-to-peer sharing (Page 29, paragraphs [0249], [0250]).

14. As per claim 7, Hartsell teaches the computer program product according to claim 6, wherein:

the instructions for giving priority to client machines which contribute resources to peer-to-peer sharing further comprise instructions for giving higher priority in proportion to the level of resources contributed (Page 29, paragraphs [0249], [0250]; Page 30, paragraph [0258]).

15. As per claim 9, Hartsell teaches a computer program product in a computer readable medium for use in a data processing system, for accessing information in a peer-to-peer computer network, comprising:

instructions for contributing computer resources to peer-to-peer sharing technology (Page 29, paragraph [0251]);

instructions for requesting information from a network server, wherein the request is given priority in proportion to the level of resources contributed to peer-to-peer sharing (Page 29, paragraph [0250]); and

instructions for receiving the requested information (Page 29, paragraph [0250]; Page 30, paragraph [0272]).

16. As per claim 11, Hartsell teaches a system to provide incentives for client machines to contribute resources to a peer-to-peer computer network, comprising:



a receiving component which receives requests for information from a plurality of client machines (Page 4, paragraph [0047]); Page 8, paragraph [0076];

a processing component which determines if the client machines are contributing resources to peer-to-peer sharing (Page 5, paragraph [0053]; Page 15, paragraph [0136]; Page 20, paragraphs [0184], [0190]);

a register which maintains a queue, wherein priority is given to requests from clients which are contributing resources to peer-to-peer sharing (Page 8, paragraph [0077]; Page 10, paragraph [0092]); and

a communications component which sends the requested information to the client machines (Page 5, paragraph [0051]; Page 6, paragraph [0063]).

17. As per claim 12, Hartsell teaches the system of claim 11, wherein:

the register which maintains the queue further comprises a second queue for requests from clients which contribute resources, wherein higher priority is given in proportion to the level of resources contributed (Page 8, paragraph [0077]; Page 10, paragraph [0092]; Page 11, paragraph [0102]).

18. As per claim 14, Hartsell teaches a system for accessing information in a peer-to-peer computer network, comprising:

a peer-to-peer sharing component which contributes computer resources to peer-to-peer sharing technology (Page 4, paragraph [0045]; Page 15, paragraph [0136];

a communications component which requests information from a network server, wherein the request is given priority in proportion to the level of resources contributed to



peer-to-peer sharing (Page 5, paragraph [0051]; Page 6, paragraph [0063]; Page 15, paragraph [0136]; Page 27, paragraph [0236]); and

a receiving component which receives the requested information (Page 26, paragraph [0234];

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show and state the art with respect to "Method and Apparatus To Encourage Client Into A Distributed Peer To Peer Sharing Technology".

- |      |                 |                |
|------|-----------------|----------------|
| i.   | US 2002/0133593 | Johnson et al. |
| ii.  | US 2003/0236837 | Johnson et al. |
| iii. | US 2003/0236919 | Johnson et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas A. Martin whose telephone number is (703) 605-4352. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 9, 2004

  
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